

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.2350 of 2006

Date of decision : 13.11.2006.

Gurmukh Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Shri Ashwani Chopra, Sr. Advocate with
Shri Gagandeep Singh, Advocate for the petitioner.
Shri Sushant Maini, DAG, Punjab for respondent Nos.2 & 3.
Shri Mandeep S.Bedi, Advocate for respondent Nos.5 & 6.

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JUDGMENT

HEMANT GUPTA, J (Oral)

The challenge in the present revision petition is to the order dated 18.3.2006, passed by the learned trial Court, whereby an application filed by the plaintiff for producing the revenue record in evidence, which is already on the court file, is declined.

It has been found that the suit was filed in March, 1993 and issues were framed on 30.10.1995. Thereafter plaintiff closed his evidence on 10.1.2000. Earlier, the plaintiff sought to produce these documents in rebuttal which was declined and, therefore, the petitioner has moved the application for permission to lead additional evidence.

Learned counsel for the petitioner argued that two additional issues were framed on 14.11.2005 and, therefore, the plaintiff is entitled to lead evidence on such issues framed. Therefore, the revenue record, which

is already part of the trial court file, should have been permitted to be produced in evidence.

The fact that additional issues were framed on 14.11.2005, could not be disputed by learned counsel for the respondents. The plaintiff has sought to produce revenue record to prove such issues which have been framed on 14.11.2005. The revenue record will facilitate decision of the suit on merits. Therefore, I am of the opinion that the order passed by the learned trial Court declining the application in respect of producing the revenue record as evidence, is not sustainable in law. Consequently, the order dated 18.3.2006, passed by the learned trial Court is set-aside. Plaintiff-petitioner is permitted to produce the revenue record in evidence.

In view of the above, the present revision petition is disposed of with the directions to the learned trial Court to permit the plaintiff to produce the revenue record in evidence. It is needless to say that the defendants shall be entitled to opportunity to lead evidence in rebuttal, if any sought and required.

November 13, 2006

**mohinder*

**(HEMANT GUPTA)
JUDGE**